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Clerk of the Superior Court  
By Hannah Snyder, Deputy Clerk

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**SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF SAN DIEGO**

In the Matter of the

Case No. 37-2019-00031743-PR-TR-CTL

**ROA#26**

ROBERT H. RAU SEPARATE  
PROPERTY TRUST,  
dated April 27, 2018.

FIRST AMENDED PETITION FOR:

1.) ORDER FINDING THAT THE ROBERT RAU  
SEPARATE PROPERTY TRUST, AS AMENDED  
AND RESTATED, SHOULD BE INVALIDATED  
BASED ON UNDUE INFLUENCE EXERTED BY  
FRANCINE COPPOLA OVER ROBERT H. RAU;  
2.) ORDER FINDING THAT THE ROBERT H.  
RAU SEPARATE PROPERTY TRUST, AS  
AMENDED AND RESTATED, SHOULD BE  
INVALIDATED BASED ON FRANCINE  
COPPOLA COMMITTING ELDER ABUSE ON  
ROBERT H. RAU;  
3.) ORDER INVALIDATING THE ROBERT H.  
RAU SEPARATE PROPERTY TRUST, AS  
AMENDED AND RESTATED, BASED ON  
UNDUE INFLUENCE AND ELDER ABUSE;  
4.) COURT TO TAKE JUDICIAL NOTICE OF  
COURT RECORDS OF FRANCINE COPPOLA'S  
FOUR PRIOR DISSOLUTION PROCEEDINGS;  
AND  
5.) ORDER FINDING THAT FRANCINE  
COPPOLA IS DEEMED TO HAVE  
PREDECEASED ROBERT H. RAU  
(California Evidence Code §452; Probate  
Code §§259, 17200; Welfare and Institutions  
Code §§ 15610, et. seq.)

COMES NOW Petitioner, LAURA RAU, a beneficiary of the ROBERT H. RAU AND MERCEDES RAU FAMILY TRUST, and the named Successor Trustee of the ROBERT H. RAU SEPARATE PROPERTY TRUST, dated April 27, 2018, who alleges, as follows:

**I.  
BACKGROUND**

1. Robert H. Rau and Mercedes Rau married on June 29, 1979. On the date of their marriage, Robert H. Rau had two children from a prior marriage, namely Laura Rau and Stacy Green; and Mercedes Rau had three children from a prior marriage, namely Michael Baker, Mark Baker and Mitzi Baker (hereinafter collectively referred to as the "Children"). At the date of their marriage the ages of the Children ranged from 13 years old to 19 years old.

2. Petitioner LAURA RAU (hereinafter referred to as "Petitioner") is informed and believes, and based thereon alleges, that Robert H. Rau and Mercedes Rau established the Robert H. Rau and Mercedes Rau Family Trust on December 4, 1984. The Trust was restated in its entirety by the *Fourth Amendment and Restatement to the Robert H. Rau and Mercedes Rau Family Trust*, dated October 30, 2006 (hereinafter referred to as the "Trust") and subsequently amended by the *Fifth Amendment*, dated October 15, 2009, and further amended by the *Sixth Amendment*, dated January 12, 2016, attached hereto as Exhibit "J".

3. Trustor Mercedes Rau died on May 28, 2017, due to complications from advanced dementia, respiratory failure and chronic obstructive pulmonary disease. Petitioner is informed and believes, and based thereon alleges, that Mercedes Rau and Robert H. Rau had been married for thirty-seven (37) years at Mercedes' death. Petitioner is further informed and believes, and based thereon alleges, that after Mercedes' death, Robert H. Rau suffered from acute depression.

4. Petitioner is informed and believes, and based thereon alleges, that upon the death of Mercedes Rau, the surviving trustor, Robert H. Rau, divided the Trust estate between the Mercedes Rau Exemption Trust B (hereinafter "Trust B") and the Robert H. Rau Survivor's Trust A (hereinafter "Trust A"). Petitioner is informed and believes, and based thereon alleges, that the Trust provides for the Children to receive equal shares of both Trust A and Trust B upon the death of the Surviving Trustor, Robert H. Rau. Petitioner is further informed and believes, and based thereon alleges that equal shares for the Children was consistent at all times from the inception of the Robert H. Rau and Mercedes Rau Family Trust in 1984.

5. Petitioner is informed and believes, and based thereon alleges, that upon the death of Mercedes Rau, Robert H. Rau became the sole trustee of both Trust A and Trust B.

6. Petitioner is informed and believes, and based thereon alleges, that on April 17, 2018, Robert H. Rau met with his longtime counsel, disbarred attorney J. Douglass Jennings, Jr., to discuss the preparation of a Separate Property Trust. Petitioner is further informed and believes, and based thereon alleges that Robert H. Rau informed Mr. Jennings that he was engaged to Francine Coppola. Petitioner is further informed and believes, and based thereon alleges that at the April 17, 2018 meeting, there was no discussion of including a \$250,000 or \$1,000,000 gift to Francine Coppola, but there was a discussion about having Francine Coppola sign a prenuptial agreement. (See the letter dated April 19, 2018, from Mr. Jennings to Robert H. Rau attached hereto as Exhibit "A" and incorporated herein by this reference as though set forth in full.) Petitioner is informed and believes, and based thereon alleges that the \$250,000 gift to Francine Coppola was first discussed when Mr. Jennings visited Robert

1 H. Rau in the hospital on April 20, 2018; and, also discussed at that time, was changing  
2 trustees, to exclude Mitzi Baker and to add Stacy Green.

3 7. Petitioner is informed and believes, and based thereon alleges that on  
4 April 27, 2018, only two days after being discharged from Scripps Green Hospital,  
5 Robert H. Rau executed the *Robert H. Rau Separate Property Trust* (hereinafter  
6 referred to as the "Rau SP Trust"). Petitioner is further informed and believes, and  
7 based thereon alleges that the alleged purpose of the Rau SP Trust was to maintain the  
8 assets of the former Robert H. Rau Survivor's Trust A, as Robert H. Rau's sole and  
9 separate property. Under the terms of the Rau SP Trust, Robert H. Rau provides that if  
10 at the time of his death he is married to and living with Francine Coppola, and has been  
11 married to her for less than one year, then the Trustee of the Rau SP Trust shall  
12 distribute to Francine Coppola the sum of \$250,000.00<sup>1</sup>, with the balance of the trust  
13 estate to be divided equally among the Children. (A true and correct copy of the Rau SP  
14 Trust is attached hereto as Exhibit "B" and incorporated herein by this reference as  
15 though set forth in full.) On the date that Robert H. Rau executed the Rau SP Trust, he  
16 was not married to Francine Coppola.

17 8. Pursuant to the terms of the Rau SP Trust, Petitioner Laura D. Rau is  
18 named as the Successor Trustee of the Trust upon the Decedent's death.

19 9. Petitioner is informed and believes, and based thereon alleges, that on  
20 May 1, 2018, Robert H. Rau married Francine Coppola (who is commonly referred to as  
21 "Francine" or "Sofia" and who hereinafter will be referred to as "Francine," her legal  
22 name). Petitioner is informed and believes, and based thereon alleges, that Francine  
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25 <sup>1</sup> The amount was to increase incrementally by \$250,000 a year, for each additional year of their  
26 marriage, up to a maximum of \$1,000,000.

1 was approximately 20 years younger than Robert H. Rau at the time of their marriage,  
2 and had been previously married four times.

3 10. Petitioner is informed and believes, and based thereon alleges, that on  
4 May 14, 2018, Robert H. Rau executed a First Amendment to the Rau SP Trust  
5 pursuant to which Robert H. Rau made changes to certain provisions, including  
6 amending the provision regarding his bequest to Francine upon his death (hereinafter  
7 referred to as the "First Amendment"). Under the First Amendment, Francine is to  
8 receive \$1,000,000.00 if married to and living with Robert H. Rau at his death, the  
9 \$1,000,000.00 is to be paid from the proceeds of the sale of Robert H. Rau's residence  
10 located in the real estate development known as The Bridges, at 18394 Calle La Serra,  
11 Rancho Santa Fe, California 92091 (hereinafter referred to as the "Residence"); and  
12 Francine and realtor K. Ann Brizolis, or a comparable experienced agent, are to serve  
13 as co-listing agents on the sale of the Residence. (A true and correct copy of the First  
14 Amendment to the Rau SP Trust is attached hereto as Exhibit "C" and incorporated  
15 herein by this reference as though set forth in full.)

16 11. Petitioner is informed and believes, and based thereon alleges, that  
17 Francine misrepresented her real estate sales experience to Mitzi Baker and the Rau  
18 family, stating she had sold homes, when, in fact, she had not successfully sold any  
19 homes since obtaining her license. Petitioner is further informed and believes, and  
20 based thereon alleges, that during May 2018, in addition to Robert H. Rau's decision to  
21 make Francine the co-listing agent, Robert H. Rau gifted Francine a diamond ring which  
22 was partially and improperly paid for by the sale of a 4 carat diamond which belonged to  
23 Mercedes Rau, gifted Francine a red BMW convertible, allowed Francine to use his  
24 credit card with a \$30,000 limit, gifted several thousand dollars of cash to Francine, paid  
25 Francine's debts to the Internal Revenue Service, paid for an extravagant trip to Europe,  
26

1 and gave Francine other extravagant gifts, of a size and frequency which were highly  
2 uncharacteristic of and inconsistent with Robert H. Rau's past spending history.

3       12. Petitioner is informed and believes, and based thereon alleges, that during  
4 May 2018, while Robert H. Rau was acting as Trustee of Trust B, he signed a note  
5 receivable for \$506,000 borrowed from Trust B, expressing to Mr. Jennings the need for  
6 "liquidity," at a time when Robert H. Rau already had \$200,000 of his own money in his  
7 bank accounts. Petitioner is informed and believes, and based thereon alleges, that this  
8 level of liquidity was highly uncharacteristic of and inconsistent with Robert H. Rau's  
9 past spending history; moreover, borrowing money from Trust B was a fiduciary breach  
10 given Robert H. Rau's role as Trustee of Trust B.

11       13. Petitioner is informed and believes, and based thereon alleges, that on  
12 June 18, 2018, Robert H. Rau executed a *Second Amendment to and Restatement in*  
13 *its Entirety of the Robert H. Rau Separate Property Trust* (hereinafter referred to the "SP  
14 Trust Restatement"). (A true and correct copy of the SP Trust Restatement is attached  
15 hereto as Exhibit "D" and incorporated herein by this reference as though set forth in  
16 full.)

17       14. Pursuant to the terms of the SP Trust Restatement, Paragraph 1.023,  
18 Page 1-4, if at the time of the Trustor's death, Francine is not legally separated from and  
19 is married to and living with the Decedent, then the Trustee shall distribute the sum of  
20 One Million Dollars (\$1,000,000.00) to Francine. Pursuant to the terms of the SP Trust  
21 Restatement, the payment of \$1,000,000.00 to Francine is to be made from the  
22 proceeds of sale of the Residence. The SP Trust Restatement further provides in  
23 Paragraph 1.024 that the distribution of the balance of the trust estate shall be equally  
24 divided between two of the Children, namely Stacy Lynn Rau Green and Michael A.

1 Baker. The Decedent's other three Children are disinherited under the SP Trust  
2 Restatement.

3 15. Petitioner is informed and believes, and based thereon alleges that the  
4 Decedent executed a First Amendment to the Second Amendment and Complete  
5 Restatement of SP Trust Restatement, a true and correct copy of which is attached  
6 hereto as Exhibit "E." Said First Amendment to the Second Amendment and Complete  
7 Restatement names Stacy L. Rau Green, Mark Green, and then drafting attorney  
8 Michael E. Williams, as the Successor Trustee of the SP Trust Restatement upon  
9 Robert H. Rau's death. Petitioner is informed and believes and thereon alleges that  
10 both Stacy Lynn Rau Green and Mark Green declined to act as Successor Trustees, as  
11 set forth in the *Declination to Act as Successor Trustee of the Robert H. Rau Separate*  
12 *Property Trust Dated April 27, 2018, as Fully Restated on June 18, 2018*, copies of  
13 which are attached hereto as Exhibits "F" and "G," respectively, and incorporated herein  
14 by reference as though set forth in full. Michael E Williams executed an *Acceptance of*  
15 *the Office of Trustee for the Robert H. Rau Separate Property Trust dated April 27,*  
16 *2018 as Fully Restated on June 18, 2018*, a true and correct copy of which is attached  
17 hereto as Exhibit "H" and incorporated herein by this reference.

18 16. Petitioner is informed and believes, and based thereon alleges, that the  
19 Rau SP Trust, including both the First Amendment and the SP Trust Restatement, are  
20 invalid documents, because Robert H. Rau was subjected to undue influence and elder  
21 abuse by Francine at the time of execution of each document.

22 17. Robert H. Rau died on February 1, 2019, at the age of eighty-two (82)  
23 years, and in poor health, as evidenced by seven separate hospitalizations during the  
24 last three years of his life, and the multiple illnesses identified in hospitalization records.

18. Petitioner is informed and believes, and based thereon alleges, that this matter is properly brought in this Court and that this Court has jurisdiction over this Trust proceeding, based on the location of Trust assets within the County of San Diego, and the administration of the Trust in the County of San Diego. The present place of administration the Rau SP Trust is the law office of Michael E. Williams, which is located at 4407 Manchester Avenue, Suite 203B, Encinitas, California 92024.

## II. STANDING TO PURSUE CLAIM FOR ELDER ABUSE

19. Petitioner has standing to file this trust petition for elder abuse, as the acts of Francine, as alleged herein, have caused harm to the Petitioner, and Petitioner, as the child of Robert H. Rau, and as the initial named successor trustee under Rau SP Trust, is authorized under California Welfare and Institutions Code Section 15657.3(d) to bring her claim for elder abuse against Francine.

20. Petitioner is informed and believes, and based thereon alleges, that California Welfare and Institutions Code Section 15657.3, which provides, in pertinent part:

(d) (1) Subject to paragraph (2) and subdivision (e), after the death of the elder or dependent adult, the right to commence or maintain an action shall pass to the personal representative of the decedent. If there is no personal representative, the right to commence or maintain an action shall pass to any of the following, if the requirements of Section 377.32 of the Code of Civil Procedure are met:

(A) An intestate heir whose interest is affected by the action.

(B) The decedent's successor in interest, as defined in Section 377.11 of the Code of Civil Procedure.



1 (C) An interested person, as defined in Section 48 of the  
2 Probate Code, as limited in this subparagraph. As used in this  
3 subparagraph, "an interested person" does not include a creditor or a  
4 person who has a claim against the estate and who is not an heir or  
5 beneficiary of the decedent's estate.

6 (2) If the personal representative refuses to commence or  
7 maintain an action or if the personal representative's family or an affiliate,  
8 as those terms are defined in subdivision (c) of Section 1064 of the  
9 Probate Code, is alleged to have committed abuse of the elder or  
10 dependent adult, the persons described in subparagraphs (A), (B), and (C)  
11 of paragraph (1) shall have standing to commence or maintain an action  
12 for elder abuse. This paragraph does not require the court to resolve the  
13 merits of an elder abuse action for purposes of finding that a plaintiff who  
14 meets the qualifications of subparagraphs (A), (B), and (C) of paragraph  
15 (1) has standing to commence or maintain such an action.

16 21. California Probate Code Section 48 provides, as follows:

17 (a) Subject to subdivision (b), "interested person" includes any  
18 of the following:

19 (1) An heir, devisee, child, spouse, creditor, beneficiary, and any  
20 other person having a property right in or claim against a trust estate or  
21 the estate of a decedent which may be affected by the proceeding.

22 (2) Any person having priority for appointment as personal  
23 representative.

24 (3) A fiduciary representing an interested person.  
25  
26

1 (b) The meaning of "interested person" as it relates to particular  
2 persons may vary from time to time and shall be determined according to  
3 the particular purposes of, and matter involved in, any proceeding.

4 22. Petitioner is informed and believes, and based thereon alleges, that  
5 Petitioner is an interested person, as defined by California Probate Code Section 48,  
6 because Petitioner is the child of Robert H. Rau and is making a claim against the Rau  
7 SP Trust, as amended by the First Amendment and the SP Trust Restatement, based  
8 on the Robert H. Rau's execution of such documents under the undue influence of and  
9 elder abuse exerted by Francine. Petitioner is further informed and believes, and based  
10 thereon alleges, that Stacy Rau Green is named as the personal representative of the  
11 Estate of Robert H. Rau, but there are not currently any proceedings pending for the  
12 administration of the Robert H. Rau's estate, as he had a pour-over will. Petitioner is  
13 informed and believes, and based thereon alleges, that regardless, Stacy Rau Green  
14 would not pursue any claim for elder abuse against Francine, as Stacy Rau Green, as a  
15 beneficiary of the SP Trust Restatement, benefits from Francine's elder abuse.

16 III.  
17 **PETITION FOR ORDER FINDING THAT FRANCINE UNDULY INFLUENCED**  
18 **ROBERT H. RAU TO EXECUTE THE SEPARATE PROPERTY TRUST, AND THE**  
**AMENDMENTS AND RESTATEMENT THERETO**

19 23. Petitioner incorporates herein by this reference each and every allegation  
20 contained in Paragraphs 1 through 22, inclusive, as though set forth in full.

21 24. Petitioner is informed and believes, and based thereon alleges, that over  
22 the years prior to his marriage to Francine, Robert H. Rau suffered from various  
23 illnesses and ailments, including, but not limited to, recurring urinary tract infections, two  
24 heart attacks, gall bladder surgery, a stroke, surgery to repair a bilateral subdural  
25 hematoma, coronary artery disease, renal neoplasm, detached retinas, chronic back

1 and shoulder pain, gout, obstructive sleep apnea, stent grafting for abdominal aortic  
2 aneurysm, alcohol abuse and dependence, cataract surgery, bilateral neuropathy and  
3 kidney cancer, among other illnesses and ailments. Petitioner is further informed and  
4 believes, and based thereon alleges, that Robert H. Rau was acutely depressed after  
5 the death of his wife, Mercedes, on May 28, 2017, as he, despite his own poor health,  
6 had been the primary caregiver for Mercedes for four years before her death as her  
7 dementia progressed.

8         25. Petitioner is informed and believes, and based thereon alleges, that  
9 Robert H. Rau first met Francine in or about spring 2017, at the piano bar at Milles  
10 Fleur, a restaurant in the downtown village of Rancho Santa Fe which has a reputation  
11 as a likely spot to meet a "sugar daddy." Petitioner is informed and believes and  
12 thereon alleges that Robert H. Rau subsequently ran into Francine in the Turf Club at  
13 the Del Mar Racetrack. Petitioner is further informed and believes, and based thereon  
14 alleges, that Robert H. Rau and Francine began dating in August 2017, after Francine  
15 fawningly and determinedly pursued Robert H. Rau by blatantly offering him sexual  
16 favors, including, but not limited to, oral sex. On or about March 30, 2018, Francine  
17 moved into the Residence. On or about April 1, 2018, Robert H. Rau and Francine  
18 became engaged, a fact which Francine demanded that Petitioner keep secret from her  
19 siblings, aunts, and friends.

20         26. Petitioner is informed and believes, and based thereon alleges, that after  
21 Francine moved into the Residence, she removed family photographs of Robert H.  
22 Rau's Children from all of the rooms in the house, and replaced the Rau family photos  
23 with photographs of Francine's daughters and two grandchildren, the children of Carrie  
24 and Kyle Boller. Petitioner is further informed and believes, and based thereon alleges,  
25 that after Francine moved into the Residence, she began systematically isolating Robert  
26

1 H. Rau from members of his family, including his Children and grandchildren, in addition  
2 to isolating him from his friends. Petitioner is informed and believes, and based thereon  
3 alleges, that Francine used sexual favors to manipulate and control Robert H. Rau's  
4 behavior. Petitioner is informed and believes, and based thereon alleges, that Francine  
5 also used psychological grooming and manipulation on Robert H. Rau, consisting of  
6 insidious predatory tactics (similar to the actions of sex offenders). Petitioner is  
7 informed and believes and thereon alleges that Francine maneuvered Robert H. Rau, a  
8 victim, into a position which made him more isolated, dependent, and more likely to trust  
9 the perpetrator, and accordingly more vulnerable to the abusive behavior by the  
10 perpetrator. Petitioner is informed and believes, and based thereon alleges, that  
11 psychological grooming is a gradual, calculated process which ensnares the victim (in  
12 this case, Robert H. Rau) in a world in which the victim becomes a willing participant of  
13 sexual abuse and tolerates mistreatment, as the victim does not control the dynamics of  
14 the situation.

15           27. Petitioner is informed and believes, and based thereon alleges, that  
16 Francine identified herself to others as Robert H. Rau's caregiver or "nurse," and that  
17 Robert H. Rau also often referred to Francine as his caregiver or nurse in his  
18 communications with others, which demonstrates Robert H. Rau's increased  
19 dependence upon Francine. Petitioner is further informed and believes, and based  
20 thereon alleges, that Francine began to increasingly restrict Robert H. Rau's activities  
21 and communications with others when she was present, and Francine took control of  
22 Robert H. Rau's telephone, social media accounts, emails, and texts, either directly  
23 posing as Robert H. Rau, or indirectly influencing Robert H. Rau's responses or lack  
24 thereof. Petitioner is further informed and believes, and based thereon alleges, that  
25 Francine began a mendacious campaign of misinformation, characterizing Robert H.  
26

1 Rau's family to others as ill-intentioned and not caring towards herself and Robert H.  
2 Rau.

3 28. Petitioner is informed and believes, and based thereon alleges, that this  
4 pattern of isolation included Robert H. Rau firing of his longtime housekeeper, Vesna  
5 Shalhoub, on April 9, 2018, who looked after him for twenty-two years and who made  
6 sure he was taking his medications and attending his doctor's appointments. Petitioner  
7 is further informed and believes, and based thereon alleges, that after moving into the  
8 Residence, Francine took it upon herself to make risky medical decisions for Robert H.  
9 Rau, including failing to take him to medical appointments, failing to properly administer  
10 medications to him, and failing to take him to the hospital when he exhibited a recurring  
11 high fever.

12 29. Petitioner is informed and believes, and based thereon alleges that on  
13 April 19, 2018, at the insistence of Petitioner, Robert H. Rau was admitted to Scripps  
14 Green Hospital, because of anorexia, fatigue, weakness, malaise, recurring high fever,  
15 significant sweats, and a recurring rash. Petitioner is further informed and believes, and  
16 based thereon alleges, that under Francine's alleged care, Robert H. Rau had lost thirty  
17 (30) pounds during the approximate three month time period from January 2018 to the  
18 date of his April 2018 admission to the hospital. On April 6, 2018, as a result of testing  
19 performed during Robert H. Rau's February 2018 hospitalization, it was discovered that  
20 he had Myelodysplastic Syndrome (MDS), a rare form of bone marrow cancer. When  
21 Robert H. Rau was again admitted to the hospital on April 19, 2018, he was informed  
22 that he had a recurrence of the renal cell cancer in his left kidney, which had previously  
23 required surgery in April 2016. Francine directed the Petitioner to keep these cancer  
24 diagnoses secret from Petitioner's siblings and aunts, as Francine told Petitioner "it was  
25 none of their business."

30. Petitioner is informed and believes, and based thereon alleges, that the medical records maintained by Scripps Green Hospital for Robert H. Rau's April 19, 2018 to April 25, 2018, stay show active problems at the time of his admission, including fever of unknown origin, rash, pancytopenia, hyperlipidemia, prostatic hyperplasia, renal mass – left, orthostatic hypotension, arteriosclerosis of coronary artery, sleep apnea, hyponatremia, ptosis, periorbital edema, failure to thrive, CVA (cerebral vascular accident), and scrotal swelling.

31. Petitioner is informed and believes, and based thereon alleges, that while Robert H. Rau was in the hospital, battling a high fever and adjusting to his cancer diagnosis, Francine tried to bring a pastor into the hospital on April 20, 2018, to marry Francine and Robert H. Rau. Petitioner is informed and believes, and based thereon alleges, that Mr. Jennings, and his paralegal, Christi Brasil, convinced Robert H. Rau and Francine to delay the wedding until Robert H. Rau was released from the hospital the following week.

32. Petitioner is informed and believes, and based thereon alleges, that Francine would not leave Robert H. Rau's bedside while he was awake, both isolating him from his support group, making him dependent upon her, and communicating on his behalf. Petitioner is further informed and believes, and based thereon alleges, that on April 20, 2018, Mr. Jennings, paralegal Christi Brasil, and Francine, were present in Robert H. Rau's hospital room when Mr. Jennings asked who held Robert H. Rau's healthcare power of attorney; Robert H. Rau responded that Petitioner held power of attorney. Petitioner is informed and believes, and based thereon alleges, that Francine interrupted and said she wanted to take care of Robert H. Rau, and asked him to change his healthcare power of attorney. Petitioner is informed and believes, and based thereon alleges, that the healthcare power of attorney was changed in the hospital room

1 to name Francine. Petitioner is further informed and believes, and based thereon  
2 alleges, that during that visit, Robert H. Rau told Mr. Jennings that Robert H. Rau  
3 wanted to provide a \$250,000 gift to Francine upon their marriage. Petitioner is  
4 informed and believes, and based thereon alleges, that Francine inquired of Mr.  
5 Jennings: "you mean I don't get any money if he dies before we get married?"  
6 Petitioner is informed and believes, and based thereon alleges, that following this visit,  
7 Mr. Jennings and Christi Brasil held a meeting at La Jolla Financial, also attended by  
8 their staff member Joan Cheverez, to discuss their thoughts on Francine's undue  
9 influence over Robert H. Rau.

10 33. Petitioner is informed and believes, and based thereon alleges, that the  
11 Scripps records for Robert H. Rau's April 19, 2018 to April 25, 2018 hospital stay further  
12 document his stroke history, with behavioral changes, a moderate age-appropriate  
13 atrophy of the brain, small vessel disease in the white matter, and a generalized loss in  
14 the cerebellum [indicating a cognitive decline]. Petitioner is further informed and  
15 believes, and based thereon alleges, that a CT scan conducted on April 21, 2018, was  
16 compared with a CT scan performed on Robert H. Rau on February 15, 2018,  
17 demonstrating a cognitive decline during that two month period, as well as evidence of a  
18 stroke occurring after the February 2018 hospitalization release, but prior to April 21,  
19 2018.

20 34. Petitioner is informed and believes, and based thereon alleges, that on  
21 April 23, 2018, Robert H. Rau's friend, Carm Santoro, visited Robert H. Rau in the  
22 hospital, and communicated his concerns about Robert H. Rau's planned marriage  
23 while Robert H. Rau was still ill. Petitioner is further informed and believes, and based  
24 thereon alleges, that Mr. Santoro suggested to Robert H. Rau that he delay the  
25 marriage until he "was 100%". Petitioner is informed and believes, and based thereon  
26

1 alleges, that Robert H. Rau agreed with Mr. Santoro. Petitioner is further informed and  
2 believes, and based thereon alleges, that Robert H. Rau's friends, Bertrand Hug and  
3 Jay Weinberg, also discussed with Robert H. Rau their concerns of his vulnerable  
4 status and Francine's intentions to rush the marriage.

5 35. Petitioner is informed and believes, and based thereon alleges, that  
6 Robert H. Rau was discharged from the hospital on April 25, 2018, at which time he  
7 returned to the Residence.

8 36. Petitioner is informed and believes, and based thereon alleges, that after  
9 returning home, Robert H. Rau consulted with Mr. Jennings, who was often assisted by  
10 Christi Brasil and Joan Cheverez in these discussions. Mr. Jennings had been the  
11 Robert H. Rau's legal counsel for over twenty years. Even after Mr. Jennings was  
12 disbarred in May 2016, Robert H. Rau relied on Mr. Jennings' legal advice, which Mr.  
13 Jennings provided. Robert H. Rau had informed Petitioner that he intended to have  
14 Francine sign a pre-nuptial agreement before their marriage, based on the advice of Mr.  
15 Jennings.

16 37. Petitioner is informed and believes, and based thereon alleges, that on  
17 April 27, 2018, Mr. Jennings came to the Residence to have Robert H. Rau sign various  
18 paperwork related to the trust, including the Rau SP Trust. Petitioner attended the April  
19 27, 2018, meeting with Mr. Jennings, Robert Rau, and Francine. Stacy Rau Green and  
20 Christi Brasil were also present. At the April 27, 2018, meeting, Mr. Jennings told  
21 Petitioner that Robert H. Rau refused to allow Mr. Jennings to prepare a pre-nuptial  
22 agreement. Mr. Jennings advised Francine during the meeting that Robert H. Rau's  
23 Residence was his sole and separate property, and as such, Mr. Jennings requested  
24 that Francine sign an interspousal quitclaim deed, acknowledging that the Residence  
25 was Robert H. Rau's separate property.



38. Petitioner is informed and believes, and based thereon alleges that although Francine had worked for a title company and was a licensed real estate agent, Francine told Mr. Jennings (and everyone present at the April 27, 2018, meeting) that Francine needed to have her own legal counsel review the document because she did not understand the document or its purpose, but that Francine would sign the document at a later date. Petitioner is informed and believes, and based thereon alleges, that this perfidious comment by Francine was a delay tactic to avoid signing the interspousal quitclaim deed, with her primary goal of gaining ownership of the Residence. Petitioner is informed and believes, and based thereon alleges that Francine was familiar with interspousal quitclaim deeds; as she signed them during previous marital dissolutions from her husbands, Mr. Arnone and Mr. Sardina, in addition to her title company experience and being a licensed realtor. Robert Rau then informed Petitioner that he would not marry Francine unless Francine signed the interspousal quitclaim deed. Petitioner is informed and believes, and based thereon alleges, that Francine refused to sign, and never signed, the interspousal quitclaim deed prior to Robert H. Rau's death.

39. Petitioner is informed and believes, and based thereon alleges, that on May 1, 2018, Robert H. Rau married Francine. Petitioner is informed and believes, and based thereon alleges, that the Certificate of Marriage identifies that Francine had been previously married three (3) times, when, in fact, Francine had been married four (4) times before, all of which ended in divorce. (A true and correct copy of the Certificate of Marriage is attached hereto as Exhibit "I" and incorporated herein by this reference as though set forth in full.) The Certificate of Marriage also identifies Francine's new name upon marriage to be "Francine Coppola Rau." Petitioner is informed and believes, and based thereon alleges, that Francine never legally changed her name to Rau, continuing to identify herself as "Sofia Coppola" in interactions, socially, and on social

1 media, along with the designation of "single" status on Facebook, even after marriage,  
2 keeping her marriage to Robert H. Rau a secret. Petitioner is informed and believes,  
3 and based thereon alleges, that Francine posted many pictures and activities of her  
4 honeymoon trip to Europe with Robert H. Rau in June and July 2018, but, she  
5 characterized the trip as a solitary vacation, without including any pictures of or mention  
6 of Robert H. Rau. Petitioner is informed and believes, and based thereon alleges, that  
7 Francine's primary goal of keeping her marriage a secret was to allow her to keep other  
8 romantic options open while married to Robert H. Rau.

9 40. Petitioner is informed and believes, and based thereon alleges, that the  
10 previous dissolutions of marriage of Francine are identified below:

11 A. 1982- dissolution from Michael Arnone, San Diego Superior  
12 Court Case Number D176124. (Married 1976.) Francine signed an  
13 interspousal quitclaim deed to Michael Arnone on January 21, 1983;

14 B. 1988 – dissolution from Wilbert Prejean, SDSC, North  
15 County, Case No. DN85186. (Married 1985) This dissolution was  
16 protracted over several years, and included a parental fitness examination  
17 that was performed by Dr. George Sargeant on Francine in January 1997.

18 In Dr. Sargeant's report, dated January 9, 1997, Dr. Sargeant  
19 states "**She uses charm, threats, emotional and rational persuasion in**  
20 **her drive to, in my opinion, get things the way she wants them.**"

21 [Emphasis added.] The report further states: "Her Over-Controlled  
22 Hostility score, however, was quite elevated despite her suppression of  
23 problems, this scale has to do with a person's [sic] feeling victimized,  
24 denying having hostile feelings, but expressing them in indirect or passive  
25 aggressive ways. **Her more valid psychological testing on the Millon**

**III suggested she may be suffering from a Histrionic Personality Disorder as well as a Narcissistic Personality Disorder with many Obsessive Compulsive Features. [Emphasis added.];**

C. 2000 – dissolution from Gregory Pizza, SDSC, North County, Case No. DN117858. (Married 1997.) During the dissolution proceedings, Mr. Pizza applied for a domestic violence restraining order after Francine made threats to harm Mr. Pizza, and broke into Mr. Pizza's and his daughter's residence. A report was made by the San Diego County Sheriff (Case No. S1345604); and

D. 2008 – dissolution from Gaetano Sardina, El Cajon Division, SDSC Case No. ED73866. (Married 2005.) Francine signed an interspousal quitclaim deed to Gaetano Sardina on October 22, 2008.

41. Petitioner is informed and believes, and based thereon alleges that the court records for the above identified marital dissolutions show a consistent pattern by Francine of deception, fraudulently stating her income, threats, aggression, manipulation, taking things that didn't belong to her, spending other people's money, mendacious characterizations of others' behaviors to isolate and divided family and friends, progressively increasing requests for more gifts and financial gain, vexatious ligation, and failure to cooperate with court orders. Petitioner requests that this Court take judicial notice, under California Evidence Code Section 452, of the court files and records in the above identified dissolution proceedings.

42. Petitioner is informed and believes, and based thereon alleges, that subsequent to Francine's marriage to Robert H. Rau, Francine continued her systematic campaign to alienate Robert H. Rau's friends and relatives and to isolate him. Petitioner is informed and believes, and based thereon alleges that said isolation by

1 Francine included, but is not limited to, taking away Robert H. Rau's cell phone, iPad,  
2 and access to his computer, screening telephone calls, informing callers that he was not  
3 available to talk when he was, turning away visitors when he was home and able to see  
4 visitors, telling him that certain family members were unwelcome in the home, telling  
5 him untrue comments allegedly made by family members. On several occasions after  
6 returning from his April 2018 hospitalization, Robert H. Rau told Petitioner that he  
7 wanted to speak with her privately, but when Francine made her presence known, he  
8 acted scared and told Petitioner that they couldn't speak until a later time. Petitioner is  
9 informed and believes, and based thereon alleges, that after Francine moved into  
10 Robert H. Rau's home, his demeanor changed from calm, loving, patient, and kind, to  
11 becoming intermittently suspicious, angry, bitter, anxious, negative, emotionally  
12 traumatized, and helpless, as if he were brainwashed by Francine against people and  
13 activities he had loved for decades prior to Francine moving into the Residence on April  
14 1, 2018. Petitioner is informed and believes, and based thereon alleges, that Francine  
15 communicated to others that the Residence was now "her house," since she and Robert  
16 H. Rau had married, and that she was entitled to say who can visit and what was  
17 displayed in the Residence, demonstrated by her removal of Rau family pictures and  
18 heirlooms.

19 43. Petitioner is informed and believes, and based thereon alleges, that after  
20 Francine moved into the Residence, Robert H. Rau's Children and grandchildren were  
21 no longer allowed to visit the Residence and their names were removed from the  
22 Bridges Guard Gate list of approved visitors. Petitioner is further informed and  
23 believes, and based thereon alleges, that Francine characterized to service providers  
24 and others that Robert H. Rau's Children and grandchildren had been estranged from  
25 him for years, when, in fact, the Rau family had been quite close and celebrated all  
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1 holidays, birthdays, and had other regular and consistent get-togethers regularly, up to  
2 and including Easter 2018. Petitioner is informed and believes, and based thereon  
3 alleges, that during the last 10 months of Robert H. Rau's life, Francine intentionally  
4 deprived Robert H. Rau of the love and support of his loving and tight-knit family; the  
5 distance and alienation causing emotional agony to his family. Petitioner is informed  
6 and believes, and based thereon alleges, that Francine relished the prolonged pain and  
7 impact she caused to the Rau family by isolating Robert H. Rau from them, bragging to  
8 a friend, Kathie Miliucci, that it "didn't matter, as I'm [Francine] never going to see any of  
9 them again."

10 44. On May 14, 2018, after Francine's continuous, systematic, unrelenting and  
11 escalating undue influence over Robert H. Rau, and the isolation and alienation of  
12 Robert H. Rau from his family, he executed the First Amendment, pursuant to which he  
13 increased his specific bequest to Francine from \$250,000.00 to \$1,000,000.00.

14 45. On or about June 8, 2018, while Francine was away from the Residence,  
15 Robert H. Rau and Petitioner (who was living in Robert H. Rau's guest house at that  
16 time at his request) went to lunch at the McDonald's on Encinitas Boulevard because  
17 Robert H. Rau was afraid that Francine may come home while he was talking with  
18 Petitioner. Robert H. Rau wanted to have a private conversation with Petitioner to discuss  
19 his marriage to Francine. As Petitioner and her father were pulling out of the driveway  
20 to the Residence (in separate cars), Francine drove into the driveway and tried to stop  
21 Robert H. Rau, but he just waved at her and continued driving. This was Petitioner's  
22 last conversation with her father. During their last conversation, Robert H. Rau confided  
23 in Petitioner that he had some concerns about his marriage to Francine and that he  
24 wanted to annul the marriage. He mentioned to Petitioner that he had contacted his  
25 friends (Carm Santoro, Jay Weinberg, and Jim Stracka) by phone on his drive from the  
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1 Residence to the McDonald's, and that, when pressed, his friends relayed their  
2 trepidations about Francine and shared their personally observed behavior of Francine  
3 which raised questions in their minds about her true intentions toward Robert H. Rau.  
4 During their lunch, Petitioner asked her father how much he really knew about Francine  
5 before marrying her. Robert H. Rau confided in Petitioner that he really didn't know too  
6 much about Francine's prior life when he married her, having only typed in her name in  
7 Google and the Google search returning comments, articles, and pictures of Francine's  
8 daughter Carrie Prejean. Before leaving the McDonald's, Petitioner asked her father if  
9 he needed any help going forward with his situation with Francine, to which he  
10 responded, "no, I got this."

11           46. On June 9, 2018, Petitioner received a copy of a written notice handed to  
12 Petitioner by her friend, John Johnson. The note had been delivered while Petitioner  
13 was out of town and while Petitioner's friend, John Johnson, was recuperating in the  
14 guest house after surgery for a total knee replacement. Said note, allegedly from  
15 Robert H. Rau, informed Petitioner that she was to immediately vacate the guesthouse,  
16 Petitioner's residence at that time. Petitioner is informed and believes, and based  
17 thereon alleges, that certain aspects of this notification to Petitioner was  
18 uncharacteristic of her father's traditional vocabulary and style of writing, as well as the  
19 use of language and phrases which her father had never used previously. Petitioner is  
20 informed and believes, and based thereon alleges, that Francine was instrumental in  
21 the creation of the notification.

22           47. On June 12, 2018, Robert H. Rau paid a couple of his household bills from  
23 the Trust B account, in violation of his fiduciary duty. Petitioner is informed and  
24 believes, and based thereon alleges, that this was uncharacteristically sloppy  
25 bookkeeping by a man who had advanced up the corporate ladder from Financial  
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1 Controller and Chief Financial Officer, to President and CEO, and someone who was  
2 previously fastidious about his finances and fiduciary duties before Francine exerted  
3 undue influence over and elder abuse on Robert H. Rau.

4         48. Petitioner is informed and believes, and based thereon alleges, that during  
5 this same timeframe, Petitioner's sister, Mitzi, was notified by Robert H. Rau that he first  
6 intended to triple Mitzi's rent, then settled on charging Mitzi rent increases, retroactively  
7 back to the property purchase date of 2002, for her tenancy in one of the Robert H.  
8 Rau's properties where Mitzi had been living for seventeen (17) years, prior to when the  
9 property was purchased by the Rau Family Trust in 2002. Petitioner is informed and  
10 believes, and based thereon alleges, that Robert H. Rau had never expressed to Mitzi,  
11 or anyone else in the family, that Mitzi was responsible to pay rent increases to her  
12 father, as Mitzi paid for all repairs and maintenance for the property from her own  
13 pocket. Petitioner is informed and believes, and based thereon alleges, that aspects of  
14 this situation with Mitzi were uncharacteristic of Robert H. Rau, including that  
15 communications to Mitzi were sent during the late evening hours when Decedent was  
16 typically asleep and uncommunicative. Petitioner is informed and believes, and based  
17 thereon alleges, that Francine was instrumental in the rent notifications. Petitioner is  
18 informed and believes, and based thereon alleges, that these actions by Robert H. Rau,  
19 made after he had confided in Petitioner that he wanted to annul his marriage to  
20 Francine, were a direct result of undue influence and elder abuse exerted by Francine  
21 over Robert H. Rau.

22         49. On June 18, 2018, Robert H. Rau signed the SP Trust Restatement in the  
23 presence of Francine, attorney Samuel J. Puma, and paralegal Christi Brasil. Petitioner  
24 is informed and believes, and based thereon alleges, that Robert H. Rau had never  
25 before met Mr. Puma, and although Mr. Puma executed a declaration stating that  
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1 Robert H. Rau had capacity and understood what he was signing, in fact, he was  
2 subject to Francine's undue influence at that time.

3 50. Petitioner is informed and believes, and based thereon alleges, that in  
4 2018, Robert H. Rau was introduced to attorney Michael Williams by Francine, shortly  
5 before Robert H. Rau's marriage to Francine. Michael Williams is currently acting as  
6 Trustee of the SP Trust. Petitioner is informed and believes, and based thereon alleges,  
7 that Michael Williams has taken certain actions which reflect a lack of impartiality on his  
8 part to all trust beneficiaries. Petitioner is informed and believes, and based thereon  
9 alleges, that attorney Michael Williams created trust documents, dated December 4,  
10 2018, for Robert H. Rau to sign; although the documents were not signed by Robert H.  
11 Rau or and notarized until January 25, 2019 (five days prior to Francine placing Robert  
12 H. Rau on hospice, *without his knowledge*, and seven days prior to his death).

13 51. On February 1, 2019, Robert H. Rau passed away at home, while under  
14 Francine's care. Petitioner is informed and believes, and based thereon alleges, that  
15 Francine was present when the hospice nurse declared his death, however, when the  
16 mortuary arrived to pick up Robert H. Rau's body, Francine had already left the  
17 Residence. There were no other family members in the Residence at that time.  
18 Petitioner is informed and believes, and based thereon alleges, that no one notified  
19 Robert H. Rau's Children or grandchildren of his death, nor were they aware that  
20 Francine had engaged hospice, nor were they notified about a memorial service for their  
21 father in order to say their good-byes.

22 52. Petitioner is informed and believes, and based thereon alleges, that credit  
23 card receipts for February 1, 2019, show that when Francine left the Residence after  
24 her husband's death, she went on a shopping spree, charging over \$25,000 within  
25 hours, overspending Robert H. Rau's \$30,000 credit card limit by more than \$11,000.



1 Petitioner is informed and believes, and based thereon alleges, that Francine had  
2 overspent the \$30,000 limit in prior months, as well.

3 53. California Civil Code Section 1575 provides, as follows:

4 UNDUE INFLUENCE. WHAT. Undue influence consists:

- 5 1. In the use, by one in whom a confidence is reposed by another, or  
6 who holds a real or apparent authority over him, of such confidence  
7 or authority for the purpose of obtaining an unfair advantage over  
8 him;
- 9 2. In taking an unfair advantage of another's weakness of mind; or,
- 10 3. In taking a grossly oppressive and unfair advantage of another's  
11 necessities or distress.

12 54. Petitioner is informed and believes, and based thereon alleges, that  
13 Francine exerted undue influence over Robert H. Rau in orchestrating his execution of  
14 the Rau SP Trust under which Francine receives \$250,000, the First Amendment, under  
15 which Francine receives \$1,000,000.00, and the SP Trust Restatement, under which  
16 three of the Decedent's five Children are disinherited. Petitioner is informed and  
17 believes, and based thereon alleges that a close and confidential relationship is  
18 presumed between a husband and wife. Petitioner is further informed and believes, and  
19 based thereon alleges, that Francine made Robert H. Rau completely dependent on  
20 Francine for all of his medical and daily needs, such that Francine held real authority  
21 over him and took advantage of his needs and his dependence on her. Petitioner is  
22 further informed and believes, and based thereon alleges, that Francine took advantage  
23 of Robert H. Rau's weakened emotional and mental state, as Robert H. Rau was  
24 grieving and suffering from depression from the recent loss of his wife and from his  
25 cancer diagnosis, along with his recurring illnesses requiring hospitalization.

55. Petitioner is informed and believes, and based thereon alleges, that California Probate Code Section 17200 provides that a trustee or beneficiary may petition the court for a determination of the validity of a trust provision. In this case, the Petitioner has brought her action to invalidate the Rau SP Trust, the First Amendment and the SP Trust Restatement, as the products of undue influence. As the result of the invalidation of the Rau SP Trust, as amended and restated, the operative trust document is the *Sixth Amendment and Restatement to the Robert H. Rau and Mercedes Rau Family Trust*, dated January 12, 2016.

IV.  
PETITION FOR ORDER FINDING THAT FRANCINE COMMITTED ELDER  
ABUSE OF ROBERT H. RAU

56. Petitioner incorporates herein by this reference each and every allegation contained in Paragraphs 1 through 22, and 24 through 55, inclusive, as though set forth in full.

57. Petitioner is informed and believes, and based thereon alleges, that California Welfare and Institutions Code Section 15610.07 defines elder abuse, as follows:

- (a) “Abuse of an elder or dependent adult” means any of the following:
  - (1) Physical abuse, neglect, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering;
  - (2) The deprivation by a care custodian of good or services that are necessary to avoid physical harm or mental suffering.
  - (3) Financial abuse, as defined in Section 15610.30.

58. Petitioner is informed and believes, and based thereon alleges, that at all relevant times, Robert H. Rau was an elder, as defined by California Welfare and Institutions Code Section 15610.27 to be any person 65 years of age or older.

59. Petitioner is informed and believes, and based thereon alleges, that California Welfare and Institutions Code Section 15610.43 defines “isolation” in pertinent part, as follows:

(a) "Isolation" means any of the following:

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

60. Petitioner is informed and believes, and based thereon alleges that the conduct described in Paragraphs 1-22, and 23-55, inclusive, above, clearly establishes that Francine abused Robert H. Rau by Francine's isolation of Robert H. Rau from his family and friends, by Francine making Robert H. Rau completely dependent on her for his medical and daily needs, by Francine making poor medical decisions that were not in the best interests of Robert H. Rau's well-being, and by Francine taking advantage of Robert H. Rau's weakened mental and physical state.

61. Petitioner is informed and believes, and based thereon alleges, that but for the elder abuse imposed on Robert H. Rau by Francine, he would not have executed the Rau SP Trust, the First Amendment and the SP Trust Restatement. Petitioner is informed and believes, and based thereon alleges, that based on Francine's elder abuse of Robert H. Rau, Francine should be found to have predeceased the Decedent

1 under California Probate Code Section 259. As the result of the invalidation of the Rau  
2 SP Trust, as amended and restated, the operative trust document is the *Sixth*  
3 *Amendment to the Robert H. Rau and Mercedes Rau Family Trust, dated January 12,*  
4 *2016.*

5 62. Based on Francine's elder abuse of the Decedent, Petitioner requests that  
6 this Court invalidate the Rau SP Trust, the First Amendment and the SP Trust  
7 Restatement as the product of elder abuse. As the result of the invalidation of the Rau  
8 SP Trust, as amended and restated, the operative trust document is the *Fourth*  
9 *Amendment and Restatement to the Robert H. Rau and Mercedes Rau Family Trust,*  
10 *dated October 30, 2006.*

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